

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
IN ADMIRALTY

First State Bank and Trust,
a Minnesota banking corporation,

Case Number: 11-cv-02804-DWF-TNL

Plaintiff,

v.

The Vessel, *B & B on the River*, U.S. Official
No. 1196593, *in rem*, Verne B. Porter,
Rebekah L. Porter, and United States of
America, Department of Treasury-Internal
Revenue Service,

Defendants.

WARRANT OF ARREST *IN REM*
TO THE UNITED STATES MARSHAL
FOR THE UNITED STATES DISTRICT COURT
FOR THE STATE OF MINNESOTA

The Verified Complaint in the above-styled *in rem* proceeding was filed in the United States District Court for the District of Minnesota on the 29th day of September, 2011, by Plaintiff, First State Bank and Trust, a Minnesota banking corporation ("Lender"), against the vessel, *B & B on the River*, U.S. Official No. 1196593, Hull No. TKZ00932A898 ("Vessel"), together with:

(a) all of the sails, fittings, structures, and other improvements now standing or at any time hereafter constructed or placed upon the vessel; and (b) all heating, plumbing, and lighting apparatus and fixtures, boilers, furnaces, oil burners, communication and navigation systems, and motors, engines, and machinery, electrical equipment, air conditioning apparatus, water and gas apparatus, pipes, ranges, water heaters, mirrors, mantels, refrigerating plant and refrigerators, water softeners, carpets, carpeting, cooking apparatus, appliances and appurtenances, furniture, furnishings, maintenance equipment, storm windows and doors, window shades, and blinds, locks, and all other fixtures, machinery, equipment, appliances, and personal property of every kind and nature whatsoever now or hereafter owned by Mortgagor specifically excluding property owned



by any tenant of the Mortgaged property (as herein after defined) and further excluding any equipment or trade fixtures for which seller financing is provided, located in, on, or about, or used or intended to be used with or in connection with the use, operation, or enjoyment of the vessel, including all extensions, additions, improvements, betterments, renewals, and replacements of any of the foregoing and all the right, title, and interest of Mortgagor inane such personal property or fixtures, together with the benefit of any deposits or payments now or hereafter made by Mortgagor or on its behalf; and (c) all hereditaments, rights, privileges, and appurtenances now or hereafter belonging, attached, or in any way pertaining to the vessel or to any structure, or improvement now or hereafter located therein (all of the foregoing, together with the "whole" of the vessel, are hereinafter referred to as the "Mortgaged Property"),

to enforce that certain preferred ship mortgage, security agreement and financing statement made by Defendant, Verne B. Porter ("Borrower"), in favor of Lender, dated February 22, 2007, and recorded with the U.S. Department of Homeland Security, U.S. Coast Guard on March 2, 2007, as Batch No. 578020, Document ID 6760973 ("Preferred Mortgage"), which encumbers the Vessel and the Mortgaged Property, *in rem* and praying for process of warrant for the arrest of said Vessel and the Mortgaged Property that is the subject of this action.

In accordance with Supplemental Rule (C) for certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, you are directed to arrest the vessel, *B & B on the River*, U.S. Official No. 1196593, Hull No. TKZ00932A898, together with the Mortgaged Property, and detain the same in your custody until further order of the Court.

You shall also give notice of the arrest to all persons required by appropriate Supplemental Rules, and the practices of your office.

ORDERED at MINNEAPOLIS, Minnesota, this the 11 day of OCTOBER, 2011.

CLERK OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF MINNESOTA

By: 
Deputy Clerk

SPECIAL NOTICE: In accordance with Supplemental Rule (C)(6) of the Federal Rules of Civil Procedure, any person claiming a right of possession or ownership interest in the Vessel shall be required to file a verified statement of right or interest within fourteen (14) days after process has been executed, and shall also be required to file an answer within twenty one (21) days after the filing of the statement of interest or right.